

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : **CUNNYNGHAM, Charles Thomas**
SERIAL NO : 10/751,363
FILED : January 5, 2004
TITLE : INBRED MAIZE LINE PHJ8R

Grp./A.U. : 1638
Examiner : **MEHTA, Ashwin D.**
Conf. No. : 2241
Docket No. : P06627US01 – PHI 1234EC

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear sir:

The owner, Pioneer Hi-Bred International, Inc. of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,232,535. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently

shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge Deposit Account No. 26-0084 the amount of \$130.00 for the Terminal Disclaimer under 37 C.F.R. § 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



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